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SUBJECT: MINORITIES MAKE PROGRESS; MORE WORK TO BE DONE

**¶1.** SUMMARY AND COMMENT: A survey of minority legal and cultural rights conducted by a Croatian Serb NGO shows that Croatia has a good legal framework in place but that implementation, especially on the local level and in "war affected areas" lags behind the legal ideal. Presenting the findings of its USAID-funded survey at an October 31 conference, the Serb Democratic Forum (SDF) cited significant progress made in the eleven years since hostilities ceased, but pointed to a number of problem areas in minority employment and political representation at local levels. COMMENT: Croatia's Constitutional Law on National Minorities was hailed as a milestone when passed in 2002; unfortunately its unwieldy structures and lack of clarity result in poor implementation due to a lack of related laws at the local level. In addition, its suggested "quotas" for minority employment in the already bloated public sector are unlikely to be met when the EU and others are calling for reducing budget deficits and state structures. Finally, there is no legal obligation on the part of local governments to finance minority councils, reducing their operational capabilities. Despite the legal framework and high-level political commitment to tolerance, discrimination against ethnic minorities is likely to persist at local levels in poorer parts of the country. END SUMMARY AND COMMENT

GOOD LAW; SPOTTY IMPLEMENTATION

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**¶2.** Although the Croatian parliament passed a model "Constitutional Law on National Minorities" (CLNM) guaranteeing political and cultural rights to ethnic groups in Croatia in 2002, anecdotal evidence suggested that implementation had lagged. (Ethnic minorities represent a small fraction of the heavily Croatian and Roman Catholic population: Serb 4.5%, Muslim 1%, and assorted Hungarians, Czechs, Roma and others, 5%.) With USAID financial assistance, the Serb Democratic Forum (SDF), a Croatian NGO representing ethnic Serbs, conducted a survey on the establishment of self-government and equal access to employment in the public sector. The SDF presented the survey's finding at a well-attended conference held October 31. Participants included the President of the Government's Council for National Minorities, the President of the Parliamentary Committee for Human Rights and Rights of National Minorities, head of the Government Office for Human Rights, USAID Mission Director William Jeffers, and a number of MPs, NGO representatives and diplomats.

**¶3.** Many participants at the conference criticized the overall effectiveness of the CLNM due to a lack of sub-laws necessary for its successful implementation at the local level. Participants complained that ethnic Serb MPs had failed to advocate vigorously for the required sub laws. Participants expressed the belief that there is simply a general lack of political will at middle and lower political levels to fully implement the CLNM.

INADEQUATE MINORITY REPRESENTATION IN PUBLIC SECTOR

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**¶4.** The SDF survey found that the CLNM's provision on proportional minority employment in the public sector in places where a minority

comprises at least 15 percent of the population remains largely unimplemented. In several central Croatian regions where a significant percentage of Serbs live, for example, the report found that Serbs comprised 22 percent of the population but made up only three percent of public administration employees. In the Dalmatian hinterlands, Serbs comprise 13 percent of the population but only 4 percent of public employees. The situation was significantly better only in Eastern Slavonia where Serbs were adequately represented in the police and only slightly underrepresented in judiciary. However, even in eastern Slavonia overall employment in state administration remained low: While Serbs represent 51 percent of the population in eastern Slavonia, they only comprised only 26 percent of state administration.

MINORITY COUNCILS ONLY PARTIALLY FUNCTIONAL

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¶15. Minority Councils under the CLNM serve only in an advisory role to articulate minority interests to local government and NGOs. Under the current framework, local governments have no legal obligation to finance them, resulting in varying levels of funding from county to county. One senior level advisor to a Serbian MP informed PolOff that the lack of adequate funding seriously hampers the ability of Minority Councils to effectively function. (COMMENT: However, the same staffer admitted that mandatory financing of the councils is not/not a legislative priority of the Serb party. END COMMENT)

CULTURAL RIGHTS GENERALLY EXERCISED EASILY

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¶16. While minority Serbs and Czechs occasionally encounter problems when attempting to use minority language and symbols, the general position of minorities today is far better than it was ten years ago. Hate speech by the media and politicians has significantly declined over the past decade.

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